

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/875,135	ITO, KIJU	
	<b>Examiner</b>	<b>Art Unit</b>	
	John L Sotomayor	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to amendment filed October 7, 2004.
2.  The allowed claim(s) is/are 1-6,8,10-13,15,17-20,22,24,26 and 28-31.
3.  The drawings filed on 07 June 2001 are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All    b)  Some\*    c)  None    of the:
    1.  Certified copies of the priority documents have been received.
    2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date 12/10/04.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

  
**DENNIS H. BANKS**  
 SUPERVISORY PATENT EXAMINER  
 TECHNOLOGY CENTER 3700

#### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Zachary Stern on December 10, 2004.

The application has been amended as follows:

Replace claim 1 with the following claim:

Claim 1: A selection system for selecting factors from a plurality of factor candidates contributing to enhance target people's ability to achieve results, comprising:

A processor;

An input device; and

An output device, wherein:

Said output device outputs questions related to the plurality of candidates of factors, so as to show the questions to target people;

Said input device inputs information representing work done by the target people;

Said processor receives a response to each of the questions output by said output device, calculates a correlation coefficient representing a correlation between the information representing the work done by the target people and an evaluation value numerically

representing the response to each of the questions and at least one standard deviation value based on the input information of the work done, said correlation coefficient being calculated by dividing a calculated covariance representing the work done and the evaluation value by the at least one standard deviation value of the work done, and selects the factors from the plurality of factor candidates related to the question corresponding to the response represented by the evaluation value used for calculating the correlation coefficient as factors contributing to enhance the target people's ability to achieve results, in a case where the calculated correlation coefficient is equal to or larger than a reference value;

Said processor determines properties of the target people which are related to the selected factors based on an evaluation value numerically representing a response to each of the questions relating to each of the selected factors; and

Said output device outputs the determined properties of the target people.

In claim 4, line 2, replace the word "will" with "ability."

In claim 4, line 18, replace the word "will" with "ability."

In claim 5, line 2, replace the word "will" with "ability."

In claim 5, line 16, replace the word "will" with "ability."

In claim 8, line 4, replace the word "will" with "ability."

In claim 8, line 17, replace the word "will" with "ability."

In claim 12, line 4, replace the word "will" with "ability."

In claim 19, line 6, replace the word "will" with "ability."

In claim 29, line 4, replace the word "will" with "ability."

In claim 29, line 15, replace the word “will” with “ability.”

The following is an examiner’s statement of reasons for allowance:

The prior art does not teach or suggest a system, method or computer data signal embedded in a carrier wave for selecting factors for enhancing a target person’s ability to achieve desired work results by selecting factors based upon a correlation coefficient that is calculated by normalizing a covariance value comparing work done by an individual against work done in a predetermined standard. The normalization is performed by forming said covariance as a function of work done and an evaluation value numerically representing the response to a plurality of questions asked of a target person, then dividing said function by one standard deviation value of the work done. This normalized value is then used to select those factors representing a target person’s work characteristics. Those characteristics that exceed values known to represent successful abilities in achieving enhanced productivity are reported by the system. These limitations are shown in claims 1-6,8,10-13,15,17-20,22,24,26, and 28-31.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to John L Sotomayor whose telephone number is 571-272-4456. The examiner can normally be reached on 6:30-4:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on 571-272-4419. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jls  
December 17, 2004



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